

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	WC Docket No. 07-245
	)	
Implementation of Section 224 of the Act;	)	RM-11293
Amendment of the Commission's Rules and	)	
Policies Governing Pole Attachments	)	RM-11303
	)	

**OPPOSITION OF SUNESYS, LLC TO MOTIONS FOR EXTENSION OF TIME**

Sunesys, LLC (“Sunesys”) submits this Opposition to Motions for Extension of Time filed by, among others, Southern Company, Virginia Electric and Power Company, Ameren Corporation, Oncor Electric Delivery Company, Florida Power & Light Company, Tampa Electric Company and Progress Energy Company, Inc. to extend the time period of the filing of the initial and reply comments.

First, one of the reasons the Commission initiated this proceeding is to address interminable delays in access to utility poles, often lasting more than a year and sometimes several years, thereby greatly undermining deployment of broadband and other services and discouraging competitors from even entering certain markets. As demonstrated by the unrebutted filings of Sunesys and others in this proceeding, while obtaining access quickly is critical to the competitive provider, utilities nevertheless often act at a snail’s pace.

For example, Sunesys signed a contract with a customer to provide service in Public Service Electric and Gas Company (“PSE&G”) territory. PSE&G failed to perform the make-ready work necessary to allow Sunesys to construct its plant on a timely basis, claiming that it lacked sufficient resources to meet the requested timetable. When Sunesys could not meet the customer’s delivery date (9 months after contract signing) nor provide a reasonable estimate of a later delivery date, because of PSE&G’s refusal to provide timetables or perform the work, the customer contacted PSE&G directly to attempt to obtain that information. PSE&G instead contracted directly with the customer and, using PSE&G crews, quickly constructed the necessary fiber in the power space and leased it to the customer directly. PSE&G apparently had no trouble finding the resources to support the customer once it took over the account – which Sunesys had lost due to PSE&G’s dilatory action. After completing this construction, PSE&G finally performed the then unnecessary make-ready work for Sunesys – leaving Sunesys with a large bill but no customer.

As this example (and numerous others previously provided by Sunesys and other parties to the Commission in this proceeding) demonstrates, additional delays in this proceeding simply further delay greater deployment of broadband and other services, and the Commission needs to address these issues as soon as possible.

Second, to date, there have already been two levels of delay with respect to the Commission’s consideration of these issues. Fibertech filed its Petition for Rulemaking in December 2005, and Sunesys filed its current proposal on June 23, 2006, and yet the NPRM in this proceeding was not released until almost two years after Fibertech’s request, and almost 18 months after Sunesys issued its current proposal. Moreover, this

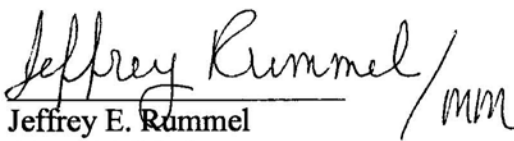
NPRM was not published in the federal register until approximately two and half months after it was issued, leading to even further delays in moving this proceeding forward – and, importantly, giving utilities ample time to prepare their responses. In fact, under the current deadline, all parties have more than 3 ½ months – 108 days – after the release of the NPRM to prepare their responses (i.e., November 20<sup>th</sup> to March 7<sup>th</sup>). An extension simply is not necessary.

Third, it is well-settled that extensions of time are not routinely granted by the Commission and are only given where such extensions are in the public interest. Here, the public interest warrants moving this proceeding along as quickly as possible so that competition, and broadband and other deployment, can be advanced, and the interminable delays associated with pole attachments can be restrained. Further delays now contravene those interests.

Finally, any request for extension of the reply comment deadline is premature and should be addressed, if at all, only after initial comments have been filed.

Respectfully submitted,

**SUNESYS, LLC.**

  
Jeffrey E. Rummel  
Alan G. Fishel  
ARENT FOX LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5339  
(202) 857-6000

Its Attorneys

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